IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02392-CMA-MJW

PFIZER INC.,
PFIZER PHARMACEUTICALS, LLC,
PFIZER IRELAND PHARMACEUTICALS,
PFIZER LIMITED, and
C.P. PHARMACEUTICALS INTERNATIONAL C.V.,

Plaintiffs,

v.

SANDOZ INC.,

Defendant.

SANDOZ INC.,

Counterclaim Plaintiff,

v.

PFIZER INC.,
PFIZER PHARMACEUTICALS, LLC,
PFIZER IRELAND PHARMACEUTICALS,
PFIZER LIMITED,
C.P. PHARMACEUTICALS INTERNATIONAL C.V.,
WARNER-LAMBERT COMPANY, and
WARNER-LAMPERT COMPANY LLC.

Counterclaim Defendants.

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF THEIR MOTION TO TRANSFER OR STAY

Plaintiffs Pfizer Inc., Pfizer Pharmaceuticals, LLC, Pfizer Ireland Pharmaceuticals, Pfizer Limited, and C.P. Pharmaceuticals International C.V.

(collectively "Plaintiffs"), pursuant to D.C. Colo. L. Civ. R. 7.1.E., submit this Notice of Supplemental Authority in support of their Motion to Transfer or Stay the Second-Filed Suit in the District of Colorado (Dkt. # 14).

Plaintiffs file this notice to advise the Court of the attached decision in *Pfizer, Inc., et al. v. Mylan, Inc., et al. ["Mylan"]*, No. 1:09-cv-00079-IMK, Dkt. # 62 (N.D. W. Va. Nov. 20, 2009), which was issued on November 20, 2009. (Ex. A.) The circumstances in *Mylan* were similar to those of the present case. Pfizer first sued Mylan in Delaware and then filed a second suit against Mylan in West Virginia to protect itself from the possibility of a successful challenge to personal jurisdiction in Delaware. *Id.* at 1-3. After Mylan answered and counterclaimed in Delaware, Pfizer moved to stay or transfer the West Virginia case to Delaware. *Id.* at 2-3. The West Virginia court applied the First-to-File Rule, and ruled "in the interest of promoting the uniformity of results, avoiding duplicative litigation, and conserving scarce judicial resources, the Court declines to exercise jurisdiction over Pfizer's second filed suit and TRANSFERS this case to the District of Delaware." *Id.* at 7-8.

Dated: November 23, 2009

Respectfully submitted,

s/ Diane J. Hellwig

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2009 I electronically filed the foregoing with the Clerk of Court using CM/ECF system which will send notification of such filing to the following addresses:

- **David C. Doyle**
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s/ Jerri E. Wheatley